

1 HONORABLE MARSHA J. PECHMAN  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GUADALUPE CISNEROS, an individual,  
Plaintiff,

v.

TRUCKVAULT, INC., a Washington  
corporation, and JEFFREY RUSSELL, an  
individual,

Defendants.

NO. 2:17-cv-00402-MJP

FOURTH JOINT STIPULATED MOTION  
AND ORDER EXTENDING DISCOVERY  
DEADLINES AND TRIAL DATE

NOTE ON MOTION CALENDAR:  
JANUARY 16, 2018

**[CLERK'S ACTION REQUIRED]**

Pursuant to FRCP 16(b)(4) and LCR 16(b)(4), undersigned counsel for Plaintiff Guadalupe Cisneros and Defendants TruckVault, Inc. and Jeffrey Russell, and subject to the Court's approval, hereby renew their agreed stipulated motion to extend by 60 days the deadlines for discovery and trial date set forth in the Court's November 6, 2017 Order to Allow Second Joint Stipulated Motion for Extension of Time for Discovery Deadlines and Trial Setover. As the parties noted in their third stipulated motion, this extension is necessitated by unforeseen circumstances that delayed previously scheduled depositions scheduled for December 2017 and subsequent scheduling issues for counsel and the deponents. *See* Dkt. No. 19.

In sum, due to an unexpected family emergency for Defendants' counsel, the parties cancelled the depositions scheduled for mid-December and were forced to reschedule. Dkt. No.

{DFS1670317.DOCX;1/12326.000025/ }

FOURTH JOINT STIPULATED MOTION AND [PROPOSED]  
ORDER EXTENDING DISCOVERY DEADLINES AND TRIAL  
DATE - 1 NO. 2:17-cv-00402-MJP

OGDEN MURPHY WALLACE, P.L.L.C.  
901 Fifth Avenue, Suite 3500  
Seattle, Washington 98164-2008  
Tel: 206.447.7000/Fax: 206.447.0215

1 20 (Declaration of Patrick Pearce in Support of Third Stipulated Motion and [Proposed] Order  
2 Extending Discovery Deadlines and Trial Date). Seven depositions needed to be rescheduled:  
3 six defense deponents and the Plaintiff. Declaration of Patrick Pearce in Support of Third  
4 Stipulated Motion and [Proposed] Order Extending Discovery Deadlines and Trial Date ("Pearce  
5 Decl.") at ¶ 3. Because Plaintiff's counsel is located in Portland, Oregon, and will be traveling to  
6 Burlington, Washington to depose six defense deponents, and to Seattle, Washington to defend  
7 the deposition of Plaintiff, the parties agreed to schedule multi-day periods to facilitate multiple  
8 depositions in single trip for Plaintiff's counsel. Pearce Decl. at ¶ 3. Plaintiff's counsel is  
9 unavailable January 10-17, 2018, January 23, 2018, February 1-2, 2018, and February 6-23,  
10 2018. Declaration of Talia Y. Stoessel in Support of Fourth Joint Stipulated Motion for  
11 Extension of Time for Discovery Deadlines ("Stoessel Decl.") at ¶¶ 3-4. In email  
12 correspondence regarding scheduling, Plaintiff's counsel also indicated she was possibly  
13 unavailable on January 25-26, 2018. Pearce Decl. at ¶ 4. Plaintiff's counsel's unavailability in  
14 February is primarily the result of counsel's need to care for an immediate family member  
15 following an intensive surgery that has already been rescheduled once. Stoessel Decl. at ¶ 3.

16 The parties agreed to schedule the depositions of four defense deponents over a two-day  
17 period, January 30-31, 2018 in Burlington, Washington. Pearce Decl. at ¶ 6. Notices for those  
18 depositions have been issued. Pearce Decl. at ¶ 6. However, two defense deponents were  
19 unavailable at the end of January and beginning of February because of preplanned out-of-state  
20 travel. Pearce Decl. at ¶ 7. Due to the preplanned travel of the two unavailable defense  
21 deponents and Plaintiff's work schedule, the parties determined that the next available two-day  
22 period was February 27-28, 2018, and agreed to schedule the remaining depositions over those  
23 two days. Pearce Decl. at ¶ 7. Notices for those depositions have been issued. Pearce Decl. at ¶  
24 7.

25 To ensure that depositions can be completed as scheduled and noticed, and that the  
26 parties have an adequate amount of time following the depositions to file any necessary

1 discovery related-motions and conduct follow-up discovery, the parties now seeking a 60-day  
2 extension of the discovery deadlines and trial date. Accordingly, the parties stipulate as follows:

- 3 • Disclosure of expert testimony under FRCP 26(a)(2): **March 1, 2018**
- 4 • Deadline for filing motions related to discovery. **April 2, 2018**
- 5 • Discovery completed by: **May 2, 2018**
- 6 • All dispositive motions must be filed by and noted on the motion calendar no later  
7 than the fourth Friday thereafter (see LCR 7(d)): **May 25, 2018**
- 8 • Mediation per LCR 39.1(c)(3), if requested by the parties, held no later than: **July**  
9 **13, 2018**
- 10 • All motions in limine must be filed by and noted on the motion calendar no later  
11 than the THIRD Friday thereafter: **August 3, 2018**
- 12 • Agreed pretrial order due: **August 17, 2018**
- 13 • Pretrial conference to be scheduled by the Court.
- 14 • Trial briefs, proposed voir dire questions, jury instructions, neutral statement of  
15 the case, and trial exhibits due: **August 24, 2018**
- 16 • Trial: **August 31, 2018**

17 DATED this 16th day of January, 2018.

18 BENNETT HARTMAN MORRIS &  
19 KAPLAN LLP

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Attorneys for Defendant TruckVault, Inc.  
and Jeffrey Russell

## **ORDER**

IT IS HEREBY ORDERED that the deadlines for discovery and trial date shall be extended for good cause as follows:

- Disclosure of expert testimony under FRCP 26(a)(2): **March 19, 2018**
- Deadline for filing motions related to discovery. **April 18, 2018**
- Discovery completed by: **May 18, 2018**
- All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d)): **June 18, 2018**
- Mediation per LCR 39.1(c)(3), if requested by the parties, held no later than: **July 13, 2018**
- All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter: **September 10, 2018**
- Agreed pretrial order due: **October 3, 2018**
- Pretrial conference: **October 5, 2018 at 1:30 PM**
- Trial briefs, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due: **October 3, 2018**
- Trial: **October 15, 2018 at 9:00 AM**

DATED this 18<sup>th</sup> day of January, 2018.

Wesley Releman

Marsha J. Pechman  
United States District Judge

**CERTIFICATE OF SERVICE**

I certify under the laws of the United States of America that on the 16th day of January, 2018 I electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using the CM/ECF System which will send notification of such filing to all counsel of record.

DATED this 16<sup>th</sup> day of January, 2018.

s/Patrick S. Pearce  
Patrick S. Pearce